

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO

FILED
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FRANKLIN COUNTY
MUNICIPAL COURT
LORI M. TYACK

STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACH KLEIN

Plaintiff,

v.

1680 PROPERTIES, LTD., et al.,

Defendants.

Case No:

JUDGE STEPHANIE MINGO

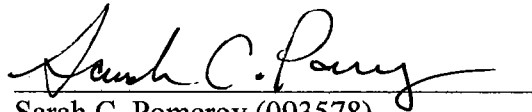
Parcel No. 010-025378

MOTION FOR PRELIMINARY INJUNCTIVE RELIEF

Relator-Plaintiff State ex rel. Columbus City Attorney Zach Klein ("Plaintiff") hereby moves this Court to enter a preliminary injunction against the Respondents-Defendants to Ohio Revised Code Section 3767.04(B) and Ohio Civ.R. 65(B)(1). The bases and support for this motion are set forth in the attached memorandum. For the reasons set forth therein, Plaintiff respectfully requests an oral hearing on this matter.

Respectfully submitted,

CITY OF COLUMBUS, DEPARTMENT
OF LAW ZACH KLEIN, CITY
ATTORNEY



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Counsel for Plaintiff

MEMORANDUM IN SUPPORT

I. INTRODUCTION

Plaintiff brings this action to abate the public nuisance located at 1680 Karl Court, Columbus, Ohio 43229 (hereinafter “the Premises” and/or “the Property”). This action is brought pursuant to Chapter 3767 of the Ohio Revised Code; and Title 47 of the Columbus City Code. The facts and circumstances supporting this motion are asserted in Plaintiff’s Complaint for Injunctive Relief filed in this matter (“the Complaint”) and are incorporated herein by reference. These facts and circumstances establish a basis for preliminary injunction: ORC 3767.04(B) provides for preliminary injunction based on the criminal nuisance activity occurring at the Premises, and the basis is discussed separately below.

II. LAW & ARGUMENT

Plaintiff brings this action pursuant to Ohio Revised Code (hereinafter “R.C.”) Chapter 3767 et seq., Title 43 of the O.R.C., and Title 47 of the Columbus City Code (“C.C.C.”) based on crimes of violence, drug, prostitution, and other illegal activity occurring at the Premises. Along with creating a nuisance abatement cause of action, O.R.C. 3767.04(B)(1) allows the filing of an application for temporary injunction, and requires the court to conduct a hearing on said application within ten days of its filing.

At that hearing, upon satisfaction of the allegations alleged in the Complaint, the court shall issue a temporary injunction restraining defendant, and any other persons, from continuing the nuisance activity at the Premises. Additionally, upon finding that defendant had proper notice of the hearing, and that defendant has failed to abate the nuisance, the court shall issue an order closing the Premises against its use for any nuisance purpose until

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a final decision is rendered in this matter. That order shall also restrain the removal or interference with personal property and content located at the Premises. The facts and circumstances alleged in the Complaint, which will be presented to this Court at hearing, clearly satisfy these standards, and the granting of a preliminary injunction.

In determining whether to grant a preliminary injunction, Ohio's courts consider four factors: "(1) The likelihood or probability of a plaintiff's success on the merits, (2) whether the issuance of the injunction will prevent irreparable harm to the plaintiff, (3) what injury to others will be caused by the granting of the injunction, and (4) whether the public interest will be served by the granting of the injunction." *Corbett v. Ohio Bldg. Auth.*, 86 Ohio App.3d 44, 49, 619 N.E.2d 1145 (10th Dist.1993).

This is a balancing test, and no one factor is dispositive. *See KLN Logistics Corp. v. Norton*, 174 Ohio App.3d 712, 2008-Ohio-212, 884 N.E.2d 631, ¶ 13 (8th Dist.). "Irreparable harm is an injury for which there is no plain, adequate, and complete remedy at law, and for which money damages would be impossible, difficult, or incomplete." *Franks v. Rankin*, 10th Dist. Franklin No. 11AP-934, 2012-Ohio-1920, ¶ 36. A party does not have to show actual harm to justify prospective injunctive relief; rather, a mere threat of harm is sufficient. *Convergys Corp. v. Tackman*, 169 Ohio App.3d 665, 2006-Ohio-6616, 864 N.E.2d 145, ¶ 9 (1st Dist.). The facts and circumstances alleged in the Complaint clearly support a balancing of the four factors favors in Plaintiff's favor, and the granting a preliminary injunction in this matter.

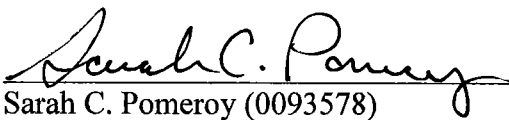
III. CONCLUSION

For the foregoing reasons, Plaintiff respectfully asks this Court set this matter for a preliminary injunction hearing and ultimately grant Plaintiff's request. Specifically, Plaintiff seeks an order preliminarily enjoining defendants as follows:

1. Prohibiting Respondents-Defendants and any other persons from continuing the nuisance conduct at the premises,
2. Closing the Premises against its use for any nuisance purpose until further order of this Court,
3. Restraining Respondents-Defendants from removing any personal property from the Premises until further order of this Court, and
4. Prohibiting Respondents-Defendants or any other persons from residing at the Premises until further order of this Court.

Respectfully submitted,

City of Columbus, Department of Law
Zach Klein, City Attorney



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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following person(s) via electronic mail and by regular U.S. Mail, postage prepaid, this 3rd of February, 2023.

1680 Properties, Ltd.

c/o Golden & Meizlish Co., LPA, Keith
Golden, s/a
923 East Broad Street
Columbus, Ohio 43205

Also at

7928 Marble Park Avenue
Reynoldsburg, Ohio 43068

Also at

1680 Karl Court
Columbus, Ohio 43229

Also at

c/o Ohio Secretary of State
Attn: Para. Div. Service of Process
22 North Fourth Street, 16th Floor
Columbus, Ohio 43215

VM3015 Inc.

Attn: Stan Robert Goodburn, s/a
1680 Karl Court
Columbus, Ohio 43229

Yelena Nersesian

7928 Marble Park Avenue
Reynoldsburg, Ohio 43068

Raisa Gunkina

6364 Little Deer Lane
Columbus, Ohio 43213

Armenak Stepanian

7928 Marble Park Avenue
Reynoldsburg, Ohio 43068

Gregory V. Flaig

315 Heil Drive
Gahanna, Ohio 43230

Also at

1680 Karl Court
Columbus, Ohio 43229

Emerald Bank

6215 Perimeter Drive
Dublin, Ohio 43017

The Middlefield Banking Company

Attn: James R. Heslop II
15985 East High Street
Middlefield, Ohio 44062

American Tower Asset Sub, LLC

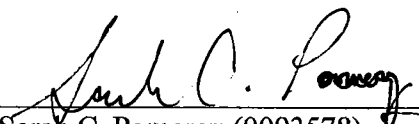
Attn: CT Corporation System, s/a
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

Cheryl Brooks Sullivan

Franklin County Treasurer
373 South High Street, 17th Fl.
Columbus, Ohio 43215

Real Property Located at 1680 Karl
Court

1680 Karl Court
Columbus, Ohio 43229



Sarah C. Pomeroy (0093578)